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EXAMINER

EKPO, NNENNA NGOZI

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,175	Applicant(s) GOTO ET AL.	
	Examiner Nnenna N. Ekpo	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/18/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement

1. This Office Action is responsive to the arguments filed on August 26, 2008.

Information Disclosure Statement

2. The reference listed in the Information Disclosure Statement filed on July 18, 2008 has been considered by the examiner (see attached PTO-1449 form).

Response to Arguments

3. Applicant's arguments filed 08/26/2008 have been fully considered but they are not persuasive.

Applicant argues on pages 8+ of the 08/26/2008 Remarks, that neither Margulis (U.S. Patent No. 6,263,503) nor Naka et al. (U.S. Patent No. 6,707,503) nor Callway (U.S. Publication No. 2003/0202006) taken alone or in combination teaches "when the digital broadcast signal is a high definition (HD) digital broadcast signal, the HD digital broadcast signal is down-converted to a standard definition (SD) digital broadcast signal before being sent to the secondary display" as now recited in claims 1, 13 and 14.

In response to Applicant's arguments, the examiner respectfully disagrees. The combination of Margulis, Naka et al. and Callway meets the claim limitation. Margulis discloses the HD digital broadcast signal (high-frequency digital video bitstream) is down-converted to a standard definition (SD) digital broadcast signal (bit rate that is more appropriate for economical transmission technique) before being sent to the secondary display (see col. 7, lines 43-52, the system down converts high-frequency digital video bitstream to a bit rate that is more appropriate for economical transmission

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technique and then transmits the down converted signal to a remote TV which is equivalent to the secondary display).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4, 11, 13 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503) in view of Naka et al. (U.S. Patent No. 6,707,503) and Callway (U.S. Publication No. 2003/0202006).

Regarding **claims 1 and 13**, Margulis discloses a receiving apparatus, comprising:

a television receiving apparatus (see fig 1 (156)) operable to receive and monitor both broadcast signals (see col.3, lines 61-64) and an streaming data distributed over an Internet (see col. 4, lines 44-55); the television receiving apparatus having a primary display (see col. 4, lines 1-12 and fig 1 (primary TV, 152)); and

a secondary display apparatus (see fig 1 (Remote TV, 158)) operable to communicate with the television receiving apparatus (see fig 1 (Wireless Base Station, 156)) (see col. 5, lines 15-19), wherein,

when the receiving apparatus (see fig 5, wireless base station (156)) receives an analog broadcast signal (see fig 5, Analog Video (514)) (see col. 7, lines 28-31), and is digitally compression encoded (see col. 7, lines 54-64)

when the receiving apparatus (see fig 5, wireless base station (156)) receives a digital broadcast signal (see fig 5, Digital A/V (536)) (see col. 7, lines 28-31), the digital broadcast signal is decoded (see col. 8, lines 22-30, the digital signal involves decoding/decompressing the original data into a raw intermediate format), and the decoded signal is encoded again (see fig 5 (transcoding, 538)) (see col. 8, lines 22-30, transcoding involves re-encoding the decoded signal into the targeted format), and

the HD digital broadcast signal (high-frequency digital video bitstream) is down-converted to a standard definition (SD) digital broadcast signal (bit rate that is more appropriate for economical transmission technique) before being sent to the secondary display (see col. 7, lines 43-52, the system down converts high-frequency digital video bitstream to a bit rate that is more appropriate for economical transmission technique and then transmits the down converted signal to a remote TV which is equivalent to the secondary display).

However, Margulis fails to specifically disclose a video portion of the analog broadcast signal is displayed on the primary display, displaying the digital signal on the primary display and sent to the secondary display and the streaming data is sent to the secondary display apparatus without decoding in the television receiving apparatus and receiving apparatus receives streaming data from the Internet.

Naka et al. discloses a video portion of the analog broadcast signal is displayed on the primary display (CRT display) (see col. 18, lines 41-42), displaying the digital signal on the display and sent to the secondary display (LCD display) (see col. 18, lines 42-45, the displays have the capability of viewing both analog and digital signals on different display).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis's invention with the above mentioned limitation as taught by Naka et al. for the advantage of monitoring programs on different displays.

However, Margulis and Naka et al. fails to specifically disclose the streaming data is sent to the secondary display apparatus without decoding in the television receiving apparatus and receiving apparatus receives streaming data from the Internet.

Callway discloses the streaming data is sent to the secondary display apparatus without decoding in the television receiving apparatus (see paragraph 0041) and receiving apparatus receives streaming data from the Internet (see paragraph 0014, lines 22-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis and Naka et al.'s invention with the above mentioned limitation as taught by Callway for the advantage of preventing contents from being copied.

Regarding **claim 2**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Margulis discloses a receiving apparatus (see fig 1 (wireless base station, 156)) and signal transmitted to the secondary display (remote TV, 158) from the television receiving apparatus (see col. 7, lines 35-43).

Callway discloses encryption for transmission (see paragraph 0037, lines 17-20) and reception (see paragraph 0033, lines 3-5) and encryption for contents protection (see paragraph 0048, lines 14-17).

Regarding **claim 3**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Margulis discloses a receiving apparatus, wherein the television receiving apparatus (see fig 1 (156)) is operable to obtain information associated with the received broadcast signals (see fig 5, lines 1-5),

the primary display is operable to display a broadcast program based on the received broadcast signals (see col. 5, lines 8-14);

the television receiving apparatus (see fig 1 (wireless base station, 156)) is further operable to send (transmits) information associated with the broadcast program to the secondary display (see col. 5, lines 15-19); and

the secondary display is operable to display (viewing) the information associated with the broadcast program (see col. 5, lines 15-19).

Regarding **claim 4**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Margulis discloses a receiving apparatus (see

fig 1 (wireless base station, 156)), wherein the secondary display (remote TV, 158) is operable to display television broadcast contents (see col. 5, lines 15-19), contents obtained through the Internet (see col. 10, lines 23-28) and a display for a commander to remote-control the television receiving apparatus (see col. 5, lines 57-col. 4, lines 21 and fig 3), and a remote control signal is generated based on the display for the commander (see col. 5, lines 66-col. 4, lines 13 and fig 3).

Regarding **claim 11**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Margulis discloses a receiving apparatus (see fig 1 (wireless base station, 156)), streaming data from the internet (see col. 4, lines 44-55), a primary display (fig 1 (152)) and secondary display (fig 1 (158)).

Callway discloses generating a command to transfer data (see paragraph 0028).

Regarding **claim 16**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Callway discloses the receiving apparatus (fig 2 (201)) further comprising means for encrypting a content signal by use of a first type of encryption process (fig 2 (211, 227, 228, 229, 234)) and means for performing an encrypting process on a transmission path (fig 2 (205)) by use of a second type of encryption process (fig 2 (250, 259, 260, 263)) which is different from the first type of encryption process (see fig 2, paragraphs 0020-0021, 0023).

6. **Claims 5, 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503), Naka et al. (U.S. Patent No. 6,707,503) and Callway (U.S. Publication No. 2003/0202006) as applied to *claim 4* above, and further in view of Huang et al. (U.S. Patent No. 6,437,836).

Regarding **claim 5**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 4*). Margulis discloses a receiving apparatus (*see* fig 1 (wireless base station, 156)) and display for the commander (*see* fig 3).

However, Margulis, Naka et al. and Callway fails to specifically disclose download through internet data for constructing the display.

Huang et al. discloses download through internet data for constructing the display (*see* abstract, lines 21-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis, Naka et al. and Callway's invention with the above mentioned limitation as taught by Huang et al. for the advantage of reducing storage space.

Regarding **claim 7**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Margulis discloses a receiving apparatus (*see* fig 1 (wireless base station, 156)), wherein the secondary display (remote TV, 158) is operable to display television broadcast contents (*see* col. 5, lines 15-19), contents obtained through the Internet (*see* col. 10, lines 23-28).

However, Margulis, Naka et al. and Callway fail to specifically disclose a list of contents which can be selected for display.

Huang et al. discloses a list of contents which can be selected for display (see col. 8, lines 1-31 and figs 4-5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis, Naka et al. and Callway's invention with the above mentioned limitation as taught by Hung et al. for the advantage of easily selecting TV programs from a list.

Regarding **claim 8**, Margulis, Naka et al., Callway and Huang et al. discloses everything claimed as applied above (see *claim 7*). Margulis discloses a receiving apparatus wherein the secondary display is operable to display a display for a commander to remote-control the television receiving apparatus (see col. 5, lines 57- col. 4, lines 21 and fig 3).

Huang et al. discloses downloading through the Internet data for constructing both the display for the commander (see abstract, lines 21-29) and a display screen of the list of the contents which can be selected for display (see col. 8, lines 1-31 and figs 4-5).

7. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503), Naka et al. (U.S. Patent No. 6,707,503) and Callway (U.S.

Publication No. 2003/0202006) as applied to *claim 4* above, and further in view of Miyazaki et al. (U.S. Publication No. 2003/0187885).

Regarding **claim 6**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (see *claim 4*). Margulis discloses a receiving apparatus (see fig 1 (wireless base station, 156)) and display for the commander (see fig 3).

However, Margulis, Naka et al. and Callway fails to specifically disclose data to install through a recording medium.

Miyazaki et al. discloses data to install through a recording medium (see paragraph 0031, lines 6-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis, Naka et al. and Callway's invention with the above mentioned limitation as taught by Miyazaki et al. for the advantage of executing the function.

8. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503), Naka et al. (U.S. Patent No. 6,707,503), Callway (U.S. Publication No. 2003/0202006) and Huang et al. (U.S. Patent No. 6,437,836) as applied to *claim 7* above, and further in view of Miyazaki et al. (U.S. Publication No. 2003/0187885).

Regarding **claim 9**, Margulis, Naka et al., Callway and Huang et al. discloses everything claimed as applied above (*see claim 7*). Margulis discloses a receiving apparatus wherein the secondary display is operable to display a display for a commander to remote-control the television receiving apparatus (see col. 5, lines 57-col. 4, lines 21 and fig 3).

Huang et al. discloses a display screen of the list of the contents which can be selected for display (see col. 8, lines 1-31 and figs 4-5).

However, Margulis, Naka et al., Callway and Huang et al. fail to specifically disclose data to install through a recording medium.

Miyazaki et al. discloses data to install through a recording medium (see paragraph 0031, lines 6-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis, Naka et al., Callway and Huang et al.'s invention with the above mentioned limitation as taught by Miyazaki et al. for the advantage of executing the function.

9. **Claims 10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503), Naka et al. (U.S. Patent No. 6,707,503) and Callway (U.S. Publication No. 2003/0202006) as applied to *claim 1* above, and further in view of Maze et al. (U.S. Patent No. 5,557,338).

Regarding **claim 10**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Margulis discloses a television receiving

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apparatus (see fig 1 (wireless base station, 156)), the secondary display (see fig 1 (remote TV, 158)).

However, Margulis, Naka et al. and Callway fail to specifically disclose an apparatus includes at least two tuners and a controller for controlling station selecting states of the tuners, and

the station selecting states of the tuners are controlled in response to a command generated.

Maze et al. discloses an apparatus includes at least two tuners and a controller for controlling station selecting states of the tuners (see col. 3, lines 16-37 and fig 1 (124, 126, 180)), and

the station selecting states of the tuners are controlled in response to a command generated (see col. 3, lines 38-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis, Naka et al. and Callway's invention with the above mentioned limitation as taught by Maze et al. for the advantage of multiple events or programs being viewed simultaneously.

Regarding **claim 12**, Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claim 1*). Margulis discloses a television receiving apparatus (see fig 1 (wireless base station, 156)) and a secondary display (see fig 1 (remote TV, 158)).

However, Margulis, Naka et al. and Callway fail to specifically disclose an apparatus, wherein the apparatus is operable to sequentially capture contents of a plurality of programs which are being broadcasted and to display a list of index images of the captured programs on the display by split display screens, and

the index image of a desired program is indicated on the displayed list of index images.

Maze et al. discloses an apparatus, wherein the apparatus is operable to sequentially capture contents of a plurality of programs which are being broadcasted (current channel and fig 3b (320b)) and to display a list of index images of the captured programs (Saturday Golf, channel 11 CBL 42 6:52 PM) on the display by split display screens (see col. 2, lines 31-62 and fig 3b), and

the index image of a desired program (fig 3b (320b)) is indicated on the displayed list of index images (see fig 3b (channel 11 CBL 42 6:52 PM)) (see col. 2, lines 37-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis, Naka et al. and Callway's invention with the above mentioned limitation as taught by Maze et al. for the advantage of multiple events or programs being viewed simultaneously.

10. **Claims 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503), Naka et al. (U.S. Patent No. 6,707,503) and Callway (U.S. Publication No. 2003/0202006) as applied to *claims 1 and 13* above, and further in view of Lan (U.S. Patent No. 6,717,622).

Regarding **claims 17 and 18** Margulis, Naka et al. and Callway discloses everything claimed as applied above (*see claims 1 and 13*).

However, Margulis, Naka et al. and Callway fail to specifically disclose the SD digital broadcast signal is a 480I signal.

Lan discloses the SD digital broadcast signal is a 480I signal (see col. 3, lines 50-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis, Naka et al. and Callway's invention with the above mentioned limitation as taught by Lan for the advantage of de-interlacing interlaced video for upscaling to HD formats, displaying on progressive displays etc.

11. **Claims 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503) in view of Huang et al. (U.S. Patent No. 6,437,836).

Regarding **claim 14**, Margulis discloses a transmitting/receiving apparatus (see fig 1 (110)) for communicating with a television broadcast receiving apparatus (see fig 1 (156)) operable to receive and monitor both broadcast signal (see col.3, lines 61-64) and streaming data distributed over an Internet (see col. 4, lines 44-55), comprising:

display means operable to display a display for a commander for remote-controlling the television broadcast receiving apparatus (see col. 5, lines 57-col. 4, lines 21 and fig 3);

means for generating a remote control signal based on the display for the commander (see col. 5, lines 66-col. 4, lines 13 and fig 3) and

the HD digital broadcast signal (high-frequency digital video bitstream) is down-converted to a standard definition (SD) digital broadcast signal (bit rate that is more appropriate for economical transmission technique) before being sent to the secondary display (see col. 7, lines 43-52, the system down converts high-frequency digital video bitstream to a bit rate that is more appropriate for economical transmission technique and then transmits the down converted signal to a remote TV which is equivalent to the secondary display).

However, Margulis fails to specifically disclose a list of contents which can be selected for display.

Huang et al. discloses a list of contents which can be selected for display (see col. 8, lines 1-31 and figs 4-5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis's invention with the above mentioned limitation as taught by Huang et al. for the advantage of easily selecting TV programs from a list.

Regarding **claim 15**, Margulis and Huang et al. discloses everything claimed as applied above (see *claim 14*). Margulis discloses a transmitting/receiving apparatus, wherein television broadcast receiving apparatus (see fig 1 (wireless base station, 156)) is operable to obtain information associated with received broadcast signals (see col. 5,

lines 1-5) and the display means is operable to display the information associated with the received broadcast signals (see col. 5, lines 15-19).

12. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503) and Huang et al. (U.S. Patent No. 6,437,836) as applied to *claim 14* above, and further in view of Lan (U.S. Patent No. 6,717,622).

Regarding **claim 19** Margulis and Huang et al. discloses everything claimed as applied above (see *claim 14*).

However, Margulis and Huang et al. fail to specifically disclose the SD digital broadcast signal is a 480I signal.

Lan discloses the SD digital broadcast signal is a 480I signal (see col. 3, lines 50-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Margulis and Huang et al.'s invention with the above mentioned limitation as taught by Lan for the advantage of de-interlacing interlaced video for upscaling to HD formats, displaying on progressive displays etc.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner
October 30, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425